

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

In re:

Timothy Eric Scott,

**CASE No. 3:12-bk-07214
Chapter 11**

DEBTOR.

_____ /

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an objection within **Thirty 30 days** from the date of service of this paper. If you object to the relief requested in this paper you must file your objection with the Clerk of U.S. Bankruptcy Court at 300 North Hogan Street, Suite 3-350, Jacksonville, FL 32202, and serve a copy on the movant's attorney, Jason A. Burgess, 118 West Adams Street, Suite 900, Jacksonville, FL 32202.

If you file and serve an objection within the time permitted, the Court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant relief requested.

**MOTION TO VALUE SECURED CLAIM TEN
OF NATIONSTAR MORTGAGE, LLC**

Comes now Timothy Eric Scott ("the Debtor"), who pursuant to 11 U.S.C. §506 seeks to value the real property securing the claim of Nationstar Mortgage, LLC and would show as follows:

Jurisdiction

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue of this case and this Motion in this District is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

2. The statutory basis for the relief requested herein is section 506 of title 11 of the United States Code (the “Bankruptcy Code”) and Rule 3012 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

Relief Requested

3. By this Motion, the Debtor seeks entry of an Order granting the following relief, without limitations:
 - a. Determining the value of the secured claim regarding the real property located at 735 Dorchester Drive, Jacksonville, Florida 32259 to be \$433,369.00 and treating the remainder of the claim as unsecured, and
 - b. Any other relief deemed appropriate by the Court.

Background

4. On January 18, 2013 a proof of secured claim in the amount of \$793,320.80 was filed by Nationstar Mortgage, LLC (Claim 10).
5. The Debtor believes that the value of the property securing the debt is less than the amount stated in the claim. The Debtor believes the value of the property to be \$433,369.00.

Basis for Relief

6. As stated in § 506(a) of the Bankruptcy Code:

An allowed claim of a creditor secured by a lien on property in which the estate has an interest...is a secured claim to the extent of the value of such creditor’s interest in the estate’s interest in such property...and is an unsecured claim to the extent that the value of such creditor’s interest...is less than the amount of such allowed claim. 11 U.S.C. §506(a).

7. As stated in Rule 3012 of the Bankruptcy Rules:

The court may determine the value of a claim secured by a lien on property in which the estate has an interest and after a hearing on notice to the holder of the secured claim and any other entity as the court may direct. F.R. Bankr. P. 3012.

WHEREFORE, pursuant to 11 U.S.C. Section 506(a) and Rule 3012 of the Bankruptcy Rules, the Debtor moves the court to value the secured claim so as to determine the amount thereof to be allowed as secured.

Respectfully Submitted,

THE LAW OFFICES OF JASON A. BURGESS, LLC

/s/ Joshua Dawes
Joshua Dawes
Florida Bar No.: 94461
Jason A. Burgess
Florida Bar No.: 40757
118 West Adams Street, Suite 900
Jacksonville, FL 32202
P – (904) 354-5065
Counsel for Debtor-In-Possession

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing and the attached affidavit have been furnished electronically or by US Mail postage prepaid to Nationstar Mortgage, LLC, attn. Bankruptcy Department, 350 Highland Drive, Lewisville, Texas 75067, Nationstar Mortgage, LLC, c/o Mr. Jay Bray as CEO, 350 Highland Drive, Lewisville, TX 75067, and all other parties who have filed appearances in this case on this 9th day of July 2013.

/s/ Joshua Dawes
Joshua B. Dawes

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

In re:

Timothy Eric Scott

**CASE NO.: 3:12-bk-07214-JAF
Chapter 11**

DEBTOR

AFFIDAVIT IN SUPPORT OF MOTION TO VALUE SECURED CLAIM

STATE OF FLORIDA

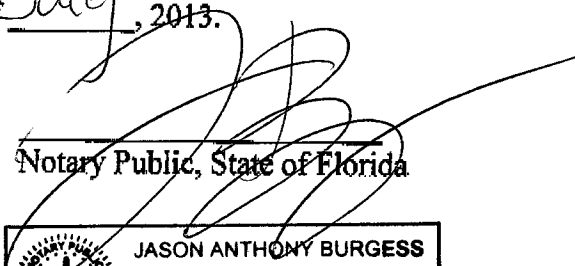
COUNTY OF DUVAL

BEFORE ME, the undersigned authority, appeared Timothy Eric Scott who, being duly sworn, deposes as follows:

1. I am the individual debtor and debtor-in-possession in this case.
2. A Motion to Value Secured Claim pursuant to 11 U.S.C. Section 506(a), has been filed on my behalf.
3. The property involved is Debtor's property located at 735 E. Dorchester Drive, Jacksonville, Florida 32259.
4. The company that filed the claim is Nationstar Mortgage, LLC.
5. The fair market value is \$433,369.00.

Sworn to and subscribed before me this 9th day of July, 2013.


Timothy Eric Scott


Notary Public, State of Florida

